



CITY COUNCIL

Special Meeting

COUNCIL CHAMBERS

**MONDAY, OCTOBER 31, 2011
5:00 PM**

1. OPENING MATTERS

A. CALL TO ORDER

B. ROLL CALL

2. PUBLIC COMMENT – AGENDA MATTERS:

Citizens have the opportunity to address the Council on only agenda matters by registering with the City Clerk before the start of the meeting. All remarks must be directed to Council as a body and not to any individual Council member or public or elected official in attendance. Any person making personally offensive or impertinent remarks or any person becoming unruly while addressing Council may be called to order by the Presiding Officer and may be barred from speaking before Council, unless permission to continue speaking is granted by the majority vote of Council.

All comments by the public shall be made from the speaker's podium. Citizens attending the meeting may not cross into the area beyond the podium. Any materials to be distributed to Council must be given to the City Clerk before the meeting is called to order.

Those commenting on agenda matters shall speak at the beginning of the meeting and shall limit their remarks to 3 minutes. No comments shall be made from any other location except the podium, and anyone making "out of order" comments may be subject to removal. There will be no demonstration at the conclusion of anyone's remarks. Citizens may not ask questions of Council members or other elected or public officials in attendance.

3. APPROVAL OF AGENDA

A. AGENDA: Special Meeting of October 31, 2011

4. RESOLUTION

A. Resolution – authorizing the proper Officers of the City to petition the Court of Common Pleas of Berks County, Pennsylvania, for permission to impose a Nonresident Earned Income Tax in the amount not to exceed One and One Tenth Percent (1.1%); authorizing incidental action; and repealing inconsistent resolutions (Law)

5. ADJOURN

CITY OF READING
BERKS COUNTY, PENNSYLVANIA

RESOLUTION

NO. _____

A RESOLUTION OF THE COUNCIL OF THE CITY OF READING, BERKS COUNTY, PENNSYLVANIA AUTHORIZING THE PROPER OFFICERS OF THE CITY TO PETITION THE COURT OF COMMON PLEAS OF BERKS COUNTY, PENNSYLVANIA, FOR PERMISSION TO IMPOSE A NONRESIDENT EARNED INCOME TAX IN THE AMOUNT NOT TO EXCEED ONE AND ONE TENTH PERCENT (1.1%); AUTHORIZING INCIDENTAL ACTION; AND REPEALING INCONSISTENT RESOLUTIONS.

WHEREAS, the City of Reading, Berks County, Pennsylvania (the “City”), has begun its 2012 budget process through Mayor Thomas M. McMahon’s submittal of his proposed budget to City Council; and

WHEREAS, the City of Reading is currently in Act 47 status and subject to a certain Municipalities Financial Recovery Act Recovery Plan; and

WHEREAS, the proposed budget includes projected revenue from a nonresident earned income tax which is less than currently imposed by the City of Reading; and

WHEREAS, the City has determined to apply by Petition to the Court of Common Pleas of Berks County, Pennsylvania, for the purpose of obtaining permission to impose a nonresident earned income tax through an appropriate ordinance.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY AS FOLLOWS:

The City hereby approves the form of Petition presented to this meeting (which shall be filed with the records of the City), requesting authority from the Court of Common Pleas of Berks County, Pennsylvania, to implement and/or impose a nonresident earned income tax (EIT) in the amount not to exceed one and one tenth percent (1.1%) by an appropriate ordinance. A copy of the form of the Petition is attached hereto and incorporated herein as Exhibit “A”.

The City hereby authorizes Charles D. Younger, Esquire, to represent the City for the nonresident EIT proceedings.

The proper officers of the City are authorized to sign and acknowledge the Petition in substantially the form approved in Section 1.

The proper officers of the City are hereby authorized and directed to execute and deliver such other documents and to take such other action as may be necessary or appropriate in order to effectuate the imposition of the nonresident EIT.

All prior resolutions or parts thereof inconsistent herewith are hereby repealed.

IN WITNESS WHEREOF, we, officers of the City of Reading, Berks County, Pennsylvania, have hereunto set our hands and seal of the City, duly attested this 31st day of October, 2011.

Attest:

CITY OF READING
Berks County, Pennsylvania

Linda A. Kelleher CMC, City Clerk

By:_____
Vaughn D. Spencer, President of Council

(SEAL)

Exhibit "A"

Form of Petition

IN RE:	:	IN THE COURT OF COMMON PLEAS OF
	:	BERKS COUNTY
IMPOSITION OF NONRESIDENT	:	COMMONWEALTH OF PENNSYLVANIA
EARNED INCOME TAX OF THE CITY OF	:	NO. _____ OF 2011
READING, BERKS COUNTY,	:	
PENNSYLVANIA	:	

PETITION FOR PERMISSION
TO IMPOSE A NONRESIDENT INCOME TAX

TO THE HONORABLE, THE JUDGES OF SAID COURT:

The Petitioner is the City of Reading, Berks County, Pennsylvania (the "Petitioner"), with offices at 815 Washington Street, Reading, Pennsylvania 19601. This Petition is authorized by a Resolution of the Petitioner, duly adopted on October 31, 2011, a copy of which is attached hereto and incorporated herein as Exhibit "A".

The Petitioner avers that the proposed 2012 budget includes revenue from a nonresident earned income tax not to exceed one and one tenth percent (1.1%) which is less than currently imposed but is needed to achieve budget goals.

The City is under Act 47 and subject to the Municipalities Financial Recovery Act Recovery Plan ("Recovery Plan") adopted by the Petitioner which includes imposition of the nonresident earned income tax to obtain revenue and achieve plan goals.

The Petitioner has determined that imposition of the nonresident earned income tax will provide the Petitioner with a means for increasing its revenue and assist in its conforming with the Recovery Plan.

WHEREFORE, the Petitioner prays your Honorable Court to issue an order granting permission to impose a nonresident earned income tax not to exceed one and one tenth percent (1.1%) upon earned income of nonresidents who work within the Petitioner's

geographical limits.

CITY OF READING
Berks County, Pennsylvania

Thomas M. McMahon
Mayor

COMMONWEALTH OF PENNSYLVANIA :
: ss.
COUNTY OF BERKS :

On this, the _____ day of _____, 2011, before me, the subscriber, a Notary Public for the Commonwealth of Pennsylvania, residing in Berks County, Pennsylvania, personally appeared THOMAS M. McMAHON, who, being duly sworn according to law, did depose and say that he is the Mayor of the City of Reading, Berks County, Pennsylvania, and that the facts set forth in the foregoing Petition are true and correct.

Notary Public

(SEAL)